

Sixth Appellate District

San Jose, California

MONDAY, OCTOBER 5, 1998

H016799 W.H. INVESTMENT CO., et al. v. FIRST
AMERICAN TITLE
INSURANCE COMPANY

The judgment is affirmed. (not published)
(Elia, J.; We concur: Premo, Acting P.J.,
Wunderlich, J.)
Filed October 5, 1998

H018529 ALLEGRO v. SUPERIOR COURT; GREMMINGER
Let a writ of certiorari issue annulling
respondent court's order of May 12, 1998,
adjudicating petitioner Joyce Allegro in
contempt. Our temporary stay of the order
shall remain in effect until this judgment
is final. (not published)
(Mihara, J.; We concur: Cottle, P.J., Bamattre-
Manoukian, J.)
Filed October 5, 1998

H017360 PEOPLE v. RANGER INSURANCE COMPANY
The judgment is affirmed. (published)
(Wunderlich, J.; We concur: Premo, Acting P.J.,
Elia, J.)
Filed October 5, 1998

TUESDAY, OCTOBER 6, 1998

H015700 PEOPLE v. ALEMAN
By the Court*:
Respondent's petition for rehearing is
granted.
Dated October 6, 1998 Cottle, P.J.
*Before Cottle, P.J., Bamattre-Manoukian, J.,
and Mihara, J.

H017301 PEOPLE v. MENDOZA
The judgment is reversed. (not published)
(Mihara, J.; We concur: Cottle, P.J., Bamattre-
Manoukian, J.)
Filed October 6, 1998

H014776 PEOPLE v. MARES
By the Court*:
Appellant's petition for rehearing is
denied.
Dated October 6, 1998 Premo, Acting P.J.

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*Before Premo, Acting P.J., Wunderlich, J., and
Mihara, J.

WEDNESDAY, OCTOBER 7, 1998

The Court met in its courtroom at 333 West
Santa Clara Street, Suite 1060, San Jose,
California. Present: Premo, Acting P.J.;
Elia, J., Wunderlich, J.; and Lori A.
Hazelip, Deputy Clerk.

H016890 PEOPLE v. GONZALES
Cause called and argued by Lawrence Smith
appearing for appellant and by Donna
McIntosh, Deputy Attorney General,
appearing for respondent. Cause ordered
submitted.

Sixth Appellate District

San Jose, California

Wednesday, October 7, 1998 (continued)

H016921 GODINEZ v. HEMBREE

Cause called and argued by Lawrence M. Einhorn appearing for appellant and by Diane E. Baylor appearing for respondent. Cause ordered submitted.

H017755 PEOPLE v. MADRIGAL

Cause called and argued by Arturo Hernandez-M appearing for appellant and by Catherine A. Rivlin, Deputy Attorney General, appearing for respondent. Cause ordered submitted.

H017725 SANTA CRUZ COUNTY REDEVELOPMENT AGENCY
v. IZANT, et al.

Cause called and argued by Bertram C. Izant appearing for appellants and by Richard J. Wylie appearing for respondent. Cause ordered submitted.

H016786 IN RE GEORGE H., A MINOR

Cause called and argued by John A. Howell appearing for appellant and by Matthew P. Boyle, Deputy Attorney General, appearing for respondent. Cause ordered submitted.

Court recesses until 1:30 p.m.

The Court reconvened at 1:30 p.m in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California.
Present: Premo, Acting P.J.; Elia, J., Wunderlich, J.; and Judy Son, Deputy Clerk.

H016718 PEOPLE v. AUBINEAU

Cause called and argued by J. Frank McCabe appearing for appellant and by Christopher J. Wei, Deputy Attorney General, appearing for respondent. Cause ordered submitted.

H015896 PEOPLE v. CORDOVA

Cause called and argued by Scott Ewbank appearing for appellant and by Laurence K. Sullivan, Deputy Attorney General, appearing for respondent. Cause ordered submitted.

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H018043, H018044, H018049, H018050, H018051 &
H018052 ROSENBERG,
et al. v. STA. CLARA CO. SUPERIOR
COURT; CANTU, et al.
Cause called and argued by Eva J.
Yablonsky appearing for petitioners and by
Michael Regan appearing for real parties
in interest. Cause ordered submitted.

H017057 ASMUSSEN v. BAXTER
Cause called and argued by Melissa Baxter
appearing for appellant and by Elizabeth
Shivell appearing for respondent. Cause
ordered submitted. Court is adjourned.

Sixth Appellate District

San Jose, California

Wednesday, October 7, 1998 (continued)

H017730 IN RE ISAAC A., A MINOR

The judgment is affirmed. (not published)
(Premo, J.; We concur: Cottle, P.J., Elia, J.)
Filed October 7, 1998

THURSDAY, OCTOBER 8, 1998

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Premo, Acting P.J.; Elia, J., Wunderlich, J.; and W. Magsaysay, Deputy Clerk.

H017497 COUNTY OF SAN BENITO v. VELEZ

Cause called and argued by Mike Whitaker, Deputy District Attorney, appearing for respondent. Appellant in propria persona did not appear. Cause ordered submitted.

H017422 BURTONI v. STULBERG

Cause called and argued by Nancy Eichler appearing for appellant Jac Burton Stulberg and by Michael A. Jacques appearing for appellant Albert Burtoni. Cause ordered submitted.

H017248 DERRICK CORPORATION, et al. v. CITIREALTY CORPORATION

Cause is called. Bruce E. Stanton appearing for appellants is present. There is no appearance for respondent, Cityrealty Corp. A stipulation for dismissal of the appeal is presented and filed in open court. The stipulation for dismissal of the appeal is taken under submission.

H017402 TURPIN v. MONTEREY JAGUAR, etc., et al.

Cause called and argued by Hugo N. Gerstl appearing for appellant and by Andrew H. Swartz appearing for respondents. Cause ordered submitted.

H017820 LOCAL LARGE, INC. v. SUPERIOR COURT;
CUCUZZA FAMILY PARTNERSHIP, et al.

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Cause called and argued by Carl McConnell
appearing for real parties in interests
and by John Marshall Collins appearing for
petitioner. Cause ordered submitted.
Court recesses until 1:30 p.m.

The Court reconvened at 1:30 p.m in its
courtroom at 333 West Santa Clara Street,
Suite 1060, San Jose, California.
Present: Premo, Acting P.J.; Elia, J.,
Wunderlich, J.; and Nancy M. Olea, Deputy
Clerk.

H017606 CHAI v. PARADIGM TECHNOLOGY

Cause called and argued by Guy Mailly
appearing for appellant and by Gregg L.
Johnson appearing for respondent. Cause
ordered submitted.

Sixth Appellate District

San Jose, California

Thursday, October 8, 1998 (continued)

H017154 PENINSULA TRAVEL, et al. v. FIREMAN'S
FUND INSURANCE

Cause called and argued by John B. Keating
appearing for appellants and by Charlotte
Hemker-Smith appearing for respondents.
Cause ordered submitted.

H017598 WANG, et al. v. WILSON, SONSINI,
GOODRICH & ROSATTI, et al.

Cause called and argued by Sean M. Seleque
appearing for appellants, William Gwire
appearing for respondent, Phillip Wang,
and Kee Cheng appearing in pro per. Cause
ordered submitted.

H016978 SMYSER, et al. v. BERG, et al.

Cause called and argued by Michael Freeman
appearing for appellants and by John W.
Clark appearing for respondent. Cause
ordered submitted. Court is adjourned.

H017387 PEOPLE v. BROOKS

The judgment below is hereby modified by
the following addition: it is ordered
that the use of the conviction of Vehicle
Code sections 14601.1 and 14601.2 be
stayed pending the finality of the
judgment, the stay to become permanent
when service of sentence is completed.
The matter is remanded to the trial court
with directions to prepare an amended
abstract of the record, reflecting the
modified judgment. (not published)

(Elia, J.; We concur: Premo, Acting P.J.,
Wunderlich, J.)

Filed October 8, 1998

H015908 PEOPLE v. MARTINEZ

The judgment is affirmed. (not published)
(Cottle, P.J.; We concur: Bamattre-Manoukian,
J., Mihara, J.)

Filed October 8, 1998

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San Jose, California

Thursday, October 8, 1998 (continued)

H018042 PEOPLE v. WHITE

The judgment is vacated. This matter is remanded to the trial court so that it can conduct a hearing in defense counsel's and defendant's presence, unless defendant's presence is otherwise validly waived, to determine whether to exercise its discretion under Penal Code section 1385 to strike or dismiss one or both of the two valid prior conviction findings under the three strikes law. (People v. Rodriguez (1998) 17 Cal.4th 253, 259-260.) The trial court is ordered to strike its previous finding that defendant's 1976 conviction for assault with force likely to produce great bodily injury (Pen. Code, § 245) constituted a prior serious felony conviction under the three strikes law. If the trial court decides that it would not have stricken either of the two remaining findings, it shall reinstate the judgment without the stricken finding as to defendant's 1976 assault conviction. If the trial court decides that it would have stricken either or both of the two remaining findings, it shall do so and then resentence defendant accordingly. (not published)

(Cottle, P.J.; We concur: Premo, J., Elia, J.)
Filed October 8, 1998

H018442 PEOPLE v. ALEXANDER

The judgment is affirmed. (not published)
(Mihara, J.; We concur: Bamattre-Manoukian,
Acting P.J., Wunderlich, J.)
Filed October 8, 1998

H017722 PEOPLE v. ZAMORA

Counsel's motion to withdraw is denied.
The judgment is affirmed. (not published)
(Mihara, J.; We concur: Bamattre-Manoukian,
Acting P.J., Wunderlich, J.)
Filed October 8, 1998

H016033 PEOPLE v. ACEVEDO

The judgment is affirmed. (not published)

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(Cottle, P.J.; We concur: Bamattre-Manoukian,
J., Mihara, J.)
Filed October 8, 1998

FRIDAY, OCTOBER 9, 1998

H017424 PEOPLE v. BARAY
The order of dismissal is reversed. (not
published)
(Elia, J.; We concur: Premo, Acting P.J.,
Wunderlich, J.)
Filed October 9, 1998

H018027 PEOPLE v. WOODS
The judgment is affirmed. (not published)
(Bamattre-Manoukian, Acting P.J.; We concur:
Wunderlich, J., Mihara, J.)
Filed October 9, 1998
Friday, October 9, 1998 (continued)

H017502 PEOPLE v. LEWIS
The judgment is affirmed. (not published)
(Elia, J.; We concur: Premo, Acting P.J.,
Wunderlich, J.)
Filed October 9, 1998

H017920 PEOPLE v. MYERS
The judgment is affirmed. (not published)
(Bamattre-Manoukian, Acting P.J.; We concur:
Wunderlich, J., Mihara, J.)
Filed October 9, 1998

H018466 PEOPLE v. SIMONETTI
The judgment is affirmed. (not published)
(Bamattre-Manoukian, Acting P.J.; We concur:
Wunderlich, J., Mihara, J.)
Filed October 9, 1998

H015385 PEOPLE v. TRAN, et al.
The judgment is affirmed. (not published)
(Cottle, P.J.; We concur: Bamattre-Manoukian,
J., Mihara, J.)
Filed October 9, 1998

H018133 PEOPLE v. CORTEZ
The judgment is affirmed. (not published)
(Bamattre-Manoukian, Acting P.J.; We concur:
Wunderlich, J., Mihara, J.)
Filed October 9, 1998

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H016693 PEOPLE v. VARGAS

By the Court*:

Appellant's petition for rehearing is
denied.

Dated October 9, 1998

Cottle,

P.J.

Dated Cottle, P.J., Bamattre-Manoukian, J., and
Mihara, J.